

**UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA
PHILADELPHIA DIVISION**

In re: Monica L Dickerson-Floyd, Debtor. U.S. BANK TRUST NATIONAL ASSOCIATION, NOT IN ITS INDIVIDUAL CAPACITY BUT SOLELY AS OWNER TRUSTEE FOR RCF2 ACQUISITION TRUST Movant, v. Monica L Dickerson-Floyd, Debtor/Respondent, KENNETH E. WEST Trustee/Respondent.	Bankruptcy No. 23-11180-amc Chapter 13 Hearing Date: September 12, 2023 Hearing Time: 11:00 A.M. Location: Robert N.C. Nix Sr. Federal Courthouse 900 Market Street, Suite 204 Philadelphia, PA 19107
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**MOTION OF U.S. BANK TRUST NATIONAL ASSOCIATION, NOT IN ITS
INDIVIDUAL CAPACITY BUT SOLELY AS OWNER TRUSTEE FOR RCF2
ACQUISITION TRUST FOR RELIEF FROM THE AUTOMATIC STAY, TO
FORECLOSE ON 218 LE CARRA DR ,LANSDOWNE , PA 19050.**

Secured Creditor, consideration U.S. Bank Trust National Association, Not In Its Individual Capacity But Solely As Owner Trustee For Rcf2 Acquisition Trust from Automatic Stay, by and through the undersigned counsel, hereby moves this Court, pursuant to 11 U.S.C. § 362(d), for a modification of the automatic stay provisions for cause, and, in support thereof, states the following:

1. Debtor, Monica L Dickerson-Floyd, filed a voluntary petition pursuant to Chapter 13 of the United States Bankruptcy Code on April 25, 2023.
2. Jurisdiction of this cause is granted to the Bankruptcy Court pursuant to 28 U.S.C. § 1334, 11 U.S.C. § 362(d), Fed. R. Bankr. P. 4001(a), and all other applicable rules and

statutes affecting the jurisdiction of the Bankruptcy Courts generally.

3. On May 27, 2004, Monica L Dickerson-Floyd executed and delivered a Promissory Note (“Note”) and Mortgage (“Mortgage”) securing payment of the Note in the amount of \$66,500.00 to Washington Mutual Bank, FA. A true and correct copy of the Note is attached hereto as Exhibit “A.”
4. The Mortgage was recorded on June 3, 2004 in Book 03194 in Page 2340 of the Public Records of Delaware County, Pennsylvania. A true and correct copy of the Mortgage is attached hereto as Exhibit “B.”
5. The Mortgage was secured as a lien against the Property located at 218 Le Carra Dr Lansdowne, PA 19050. (“the Property”).
6. A loan modification was entered into on March 13, 2019, creating a new principal balance of \$55,111.98. A true and correct copy of the Agreement is attached hereto as Exhibit “C.”
7. The loan was lastly assigned to consideration U.S. Bank Trust National Association, Not In Its Individual Capacity But Solely As Owner Trustee For Rcf2 Acquisition Trust and same was recorded with Delaware County Recorder of Deeds on December 06, 2021, in Book 6773 Page 3078. A true and correct copy of the Assignment of Mortgage is attached hereto as Exhibit “D.”
8. Based upon the Debtor’s Chapter 13 Plan (Docket No.(12)), the Debtor intends to cure Secured Creditor’s pre-petition arrearages within the Chapter 13 Plan and is responsible for maintaining post-petition payments directly to Secured Creditor. A true and correct copy of the Chapter 13 Plan is attached hereto as Exhibit “E”.
9. Upon review of internal records, Debtor has failed to make the monthly post-petition

payments of principal, interest, and escrow to Secured Creditor in the amount of \$742.74 which came due from May 1, 2023 to July 1, 2023 respectively.

10. Thus, Debtor(s)' post-petition arrearage totaled the sum of \$2,228.22 with a total of \$0.00 in suspense through July 31, 2023.

11. Upon review of internal records, the current unpaid principal balance due under the loan documents is approximately \$54,384.73. Movant's total claim amount, itemized below, is approximately \$84,952.33. See Exhibit "F."

Principal	\$54,384.73
Interest (From 03/01/23 to 07/12/23)	\$7,551.57
Escrow/Impound Required	\$12,417.38
Late Charges Due	\$14.92
Recoverable Balance	\$10,979.74
Less Unapplied Funds	(\$479.26)
Total Fees	\$83.25
Payoff Funds Required	\$84,952.33

12. According to the Debtor(s)' BPO Appraisal , the value of the property is \$156,000.00. A true and accurate copy of the Debtor(s)' BPO is attached hereto as Exhibit "G."

13. Under Section 362(d)(1) of the Code, the Court shall grant relief from the automatic stay for "cause" which includes a lack of adequate protection of an interest in property. Sufficient "cause" for relief from the stay under Section 362(d)(1) is established where a debtor has failed to make installment payments or payments due under a court-approved plan, on a secured debt, or where the Debtor(s) have no assets or equity in the Mortgaged Property.

14. As set forth herein, Debtor has defaulted on the secured obligation having failed to make all monthly post-petition installment payments due to Secured Creditor.

15. As a result, cause exists pursuant to 11 U.S.C. § 362(d) of the Code for this Honorable

Court to grant relief from the automatic stay to allow Secured Creditor, its successor and/or assignees to pursue its state court remedies, including the filing of a foreclosure action.

16. Additionally, once the stay is terminated, the Debtor(s) will have minimal motivation to insure, preserve, or protect the collateral; therefore, Secured Creditor requests that the Court waive the 14-day stay period imposed by Fed.R.Bankr.P. 4001(a)(3).

WHEREFORE, Secured Creditor, prays this Honorable Court enter an order modifying the automatic stay under 11 U.S.C. § 362(d) to permit U.S. Bank Trust National Association, Not In Its Individual Capacity But Solely As Owner Trustee For Rcf2 Acquisition Trust for Relief from Automatic Stay to take any and all steps necessary to exercise any and all rights it may have in the collateral described herein, to gain possession of said collateral, to seek recovery of its reasonable attorneys' fees and costs incurred in this proceeding, to waive the 14-day stay imposed by Fed.R.Bankr.P. 4001(a)(3), and for any such further relief as this Honorable Court deems just and appropriate.

Date: 8/8/2023

**Robertson, Anschutz, Schneid, Crane
& Partners, PLLC**

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